

**Senator Winfield, Representative Stafstrom, ranking members Kissel and Fishbein and distinguished members of the Judiciary Committee:**

I am testifying in support of **HB-6355 *An Act Concerning Risk Protection Orders or Warrants*** and to improve Section 1. Section 29-38c of the General Statutes; a life-saving law that has been utilized in Connecticut for more than 20 years, and has been the foundation for similar laws in 19 states and the District of Columbia.

The original law, known as the Risk Warrant in Connecticut, and referred to as an Extreme Risk Protection Order (ERPO) around the country, was enacted in response to the March 7, 1998 Lottery mass shooting where a disgruntled employee went on a killing spree with a handgun, ultimately shooting and killing four senior lottery officials before committing suicide. The shooter had a history of mental health issues, and previous suicide attempts, and possessed a Glock 9mm pistol. Had this law been in place in 1998, five more people would be alive today.

Had this law been enacted in 1989, my uncle, David Stein, might be alive today, and we could have prevented him from taking his own life with his firearm.

Although this law was originally enacted to prevent another mass shooting, it has been widely studied and recognized as an effective means to prevent suicide by gun and is responsible for saving countless lives. This law has been utilized in over 2,000 case in Connecticut, to date.

According to experts, “Connecticut’s innovative statute established the legal practice of preemptive gun removal as a civil court action based on a risk warrant, a process that neither requires nor generates a record of criminal or mental health adjudication as its predicate,” said a [2017 study of Connecticut’s law by scholars at Duke, Yale, the University of Connecticut and the University of Virginia.](#)

The Duke study concluded that Connecticut’s law has prevented dozens of suicides and probably numerous homicides. The number of risk warrants issued has increased over time, especially since 2010

This analysis showed that that risk-warrants:

- Reached individuals who were at a dangerously elevated risk of suicide.
- Prevented additional suicide deaths by intervening in crises.
- Provided safe periods for subjects to obtain much-needed treatment services.
- Saved lives by shifting suicide attempt methods from firearms to less lethal means.

Research shows that the Risk Warrant is an extremely effective means of reducing both firearm suicide and homicide. The Duke/Yale Study concluded that for every 10-20 orders issued, one life was saved. A more recent 2018 study that looked at both

Connecticut and Indiana's firearm seizure laws found that Connecticut's law was associated with a 13.7% reduction in suicide by firearm. [Effects of Risk-Based Firearm Seizure Laws in Connecticut and Indiana on Suicide Rates, 1981–2015](#). Cases in [Stafford](#) and [Norwalk](#) demonstrate how ERPO protects the public from potential mass shootings as well.

The improved changes in the law are as follow:

1. Require a court hearing to demonstrate that the risk of imminent harm no longer exists before firearms are returned.
2. Allow a risk protection order to prohibit an individual from buying a firearm if that individual is at risk of imminent harm to self or others and has shown an interest or intent to acquire a firearm, even if s/he doesn't currently possess one.
3. Allow family, household members and healthcare professionals to directly petition the court for a risk protection order. Currently only law enforcement and states' attorneys can do so.
4. Require the Court to create and make available on- and off-line educational materials explaining the process, and to make it simple for petitioners to apply for a risk protection order.

### **Why are these changes being made?**

In 2013 and again in 2020, the Consortium for Risk-Based Firearm Policy ("Consortium"), a coalition of the nation's leading researchers, practitioners, and advocates for gun violence prevention and mental health, outlined the essential elements of effective extreme risk laws. Though Connecticut's risk warrant law has already been found to reduce gun deaths in the state, HB 6355 contains one of the Consortium's recommendations to improve the law. Namely, HB 6355 follows the Consortium's recommendation of including family members, household members, intimate partners, and medical professionals with law enforcement on the list of potential petitioners for ERPO. By expanding the petitioners list, more individuals with intimate knowledge of the risk one might pose to self or others will be empowered to intervene and avert potential tragedies. Only two other states limit the category of petitioners to law enforcement only. Connecticut's law could use this improvement.

Under current law, a risk protection order can only be issued if the subject is already believed to be in possession of a firearm. The law should be expanded to protect against situations where an individual has shown an intent to acquire a firearm, and would be at risk of imminent harm to either kill themselves or commit murder if they got their hands on a firearm. This law would prevent the purchase or possession of a firearm if applicable. The same burden of proof of risk of imminent harm to self or others would apply.

Accessing the benefits of ERPO requires public awareness and education, especially if family members and others can directly petition the court.

Under current law, the subject of a risk protection order is able to retrieve his/her firearms upon expiration of the warrant without any burden of proof that s/he no longer represents a risk of imminent harm (warrants can be in force for up to one year). Public safety is in jeopardy if firearms are returned without ascertaining if the risk of imminent harm no longer pertains.

This warrant procedure provides Due Process as guaranteed by the 5<sup>th</sup> and 14<sup>th</sup> Amendment to the US Constitution. The act of obtaining a court order, before a neutral Judge of the Superior Court of Connecticut, ensures due process under the law. A gun owner is provided necessary constitution protections by being afforded a hearing, with an attorney if they choose, just like any other court proceeding. This law has been upheld by the Connecticut Courts and Courts around the Country and has never been deemed to deny a gun owners due process. Any arguments that suggest otherwise should be disregarded. This order is only issued under the most extreme circumstances, where harm is imminent, and no other reasonable alternative is available to prevent harm.

Furthermore, just like any other legal proceeding, a court makes a factual determination and perjury or giving a false sworn statement to the police or a judge is a crime. There is little to no evidence to suggest that family members or others would risk a felony conviction to harass or disarm a gun owner. Arguments suggesting that there are no adequate protections against people lying are equally without merit. Perjury is a felony, punishable by jail.

The number of lives saved by this law has been proven over the past 20 years, in Connecticut and around the country. So many more lives could be saved by some simple improvements. Our lives may depend on it.

More information can be found in the following resources:

- CAGV Education Fund ERPO [Brochure](#)
- Coalition to Stop Gun Violence: [Extreme Risk Laws](#)
- Giffords Law Center: [Extreme Risk Protection Orders](#)
- Education Fund to Stop Gun Violence: [Data behind Extreme Risk Protective Order Policies](#): A Look at CT's Risk-Warrant Law

Respectfully submitted,

Jeremy Stein  
Executive Director  
CT Against Gun Violence